

Exhibit 6

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARLENE McDAY, Individually and as Executrix
of the Estate of DANTE TAYLOR, and
TEMPLE McDAY,

Plaintiffs,

- against -

STEWART ECKERT,
Superintendent, Wende Correctional Facility;
MARGARET STIRK,
Unit Chief, Wende Correctional Facility;
KRISTEN MURATORE,
Forensic Program Administrator, Wende Correctional Facility;
SERGEANT TIMOTHY LEWALSKI;
SERGEANT SCOTT LAMBERT;
CORRECTION OFFICER McDONALD;
CORRECTION OFFICER FREEMAN;
CORRECTION OFFICER THOMAS WHITE;
CORRECTION OFFICER J. HORBETT;
CORRECTION OFFICER D. JANIS;
CORRECTION OFFICER MELVIN MALDONADO;
CORRECTION OFFICER MARK COLLETT;
CORRECTION OFFICER GREIGHTON;
CORRECTION OFFICER THEAL;
CORRECTION OFFICER BARON;
JILL OLIVIERI, R.N.;
DIANE DIRIENZO, R.N.;
LISA PRISHEL, R.N.;
DEBRA STUBEUSZ, M.D.;
ANJUM HAQUE, M.D.;
BERTRAM BARALL, M.D.;
KELLY KONESKY, LCSW-R;
DANA MANCINI, SW2;
JOHN and JANE DOES 1-10; and
JOHN and JANE SMITH 1-14,

Defendants.

Case No. 1:20-cv-00233

**DEFENDANT KELLY McDONALD'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Respectfully submitted,



JOSEPH M. LaTONA

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Defendant, KELLY McDONALD, for her Answers to Plaintiffs' First Set of Interrogatories, responds as follows:

GENERAL OBJECTIONS

Defendant McDonald makes the following general objections to Plaintiff's First Set of Interrogatories, as follows:

1. Defendant objects to any and all interrogatories to the extent that they would require the disclosure of information which comes within attorney/client and/or any other applicable privilege.
2. Defendant objects to any and all interrogatories to the extent that they would require the disclosure of information which comes within the work-product protection, including information obtained as part of the preparation of this case, or in anticipation of defendant asserting, pursuant and/or defending against the claims in this case or any other related case, and including actions taken for the purpose of preparing the answer for defending against the claims in this case or any other related case.
3. Defendant objects to any and all interrogatories to the extent that they would require the disclosure of information which would identify the medical condition or claims, or other personal information relating to her.
4. Defendant objects to any and all interrogatories to the extent that they would require the disclosure of information which is the subject of a non-disclosure agreement and/or a confidentiality agreement with a third party.

5. Defendant objects to each interrogatory propounded by plaintiff to the extent that the interrogatory is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

6. Defendant objects to each interrogatory propounded by plaintiff to the extent that the interrogatory is vague, overly broad, harassing, burdensome, vexatious and/or oppressive.

7. All responses are made to plaintiff's interrogatories without in any way waiving or intending to waive, but on the contrary, intending to preserve and preserving:

(a) All questions as to competency, relevance, materiality, privilege and admissibility of evidence for any purpose in any subsequent proceeding or the trial of this or any other actions;

(b) The right to object on any ground to the use of any of these answers in any subsequent proceeding or the trial of this action;

(c) The right to object on any ground at any time to a demand for further response to these or any other interrogatories or other discovery proceedings involving or relating to the subject matter of the interrogatories herein answered; and

(d) The right to supplement and/or amend these responses based upon the recollection of persons presently available or the discovery of additional information.

All responses that may be made to the interrogatories are subject to all of the foregoing objections, and these objections are not waived by furnishing any information in response to plaintiff's interrogatories. Moreover, the responding party reserves the right to supplement and/or amend his response at a later date.

ANSWERS TO INTERROGATORIES

- 1. Identify every person who has knowledge or information concerning the Incident.**

Response: Unknown.

- 2. Identify every employee of the State of New York -- other than those listed in response to Interrogatory No. 1 -- who has knowledge or information concerning the Incident.**

Response: Unknown.

- 3. Identify any and all DOCCS employees who used any type of physical force on Dante Taylor on October 6, 2017.**

Response: Unknown.

- 4. Identify any and all DOCCS employees who witnessed any type of physical force on Dante Taylor on October 6, 2017.**

Response: Unknown.

- 5. Identify any and all DOCCS employees who escorted or otherwise transported Dante Taylor from his cell to any other location on October 6, 2017 following the Incident.**

Response: Unknown.

- 6. State your phone number(s) and carrier(s) for all cell phones that you utilized during the year 2017, 2018, 2019, 2020, and 2021.**

Response: Objection. Defendant McDonald objects to this interrogatory on the grounds set forth in the general objections, including but not limited to, the grounds that this interrogatory seeks information that is not relevant nor reasonably calculated to lead to the discovery of evidence relevant to this lawsuit; the request is overly broad, unduly vague and ambitious.

7. **Identify each cell phone and/or text messaging and/or instant messaging service (e.g., AT&T, Facebook Messenger, T-Mobile, U.S. Cellular, Verizon, WhatsApp, etc.) of which you were a customer during the years of 2017 to present. For each such service identified, include the name, address, email address and phone number of the account holder, your cell phone number or username or avatar, and the dates during which you used the account.**

Response: Objection. Defendant McDonald objects to this interrogatory on the grounds set forth in the general objections, including but not limited to, the grounds that this interrogatory seeks information that is not relevant nor reasonably calculated to lead to the discovery of evidence relevant to this lawsuit; the request is overly broad, unduly vague and ambitious.

8. **Identify any internet-based social networking sites, (e.g. Facebook, Snapchat, Tumblr, Twitter, Whatsapp, Google+, Instagram, LinkedIn, etc.) of which you are currently a member and/or was a member during the years of 2017 to present. For each such site identified, please include the name, address, email address and phone number of the account holder, your user name or avatar, the URL where the account was/is available, and the dates during which you used the account.**

Response: Objection. Defendant McDonald objects to this interrogatory on the grounds set forth in the general objections, including but not limited to, the grounds that this interrogatory seeks information that is not relevant nor reasonably calculated to lead to the discovery of evidence relevant to this lawsuit; the request is overly broad, unduly vague and ambitious.

9. **Identify each occasion on which you have been arrested, including the date of the arrest, the charges for which you were arrested, and the amount of time that you spent incarcerated.**

Response: Defendant objects to this interrogatory on the grounds set forth in the general objections, including but not limited to, the grounds that this interrogatory seeks information that is not relevant nor reasonably calculated to lead to the discovery of evidence relevant to this lawsuit and is intended to harass and embarrass this answering defendant.

10. **Identify each occasion in which you been convicted of a felony or misdemeanor, including the date of the conviction, the charges of which you convicted, and amount of time that you spent incarcerated as a result of each conviction.**

Response: None.

11. **Identify each lawsuit to which you have been a party, including the court in which the matter was pending, the docket or index number, and the disposition of the matter.**

Response: None.

12. **Identify each occasion on which you have given testimony or statements regarding the Incident and the events alleged in the Amended Complaint.**

Response: Defendant McDonald gave two statements.

13. **Identify all documents prepared by you, or any other person, that relate to the Incident, claims and subject matter of this litigation.**

Response: Defendant McDonald gave two statements.

DATED: January 4, 2022
Buffalo, New York

Respectfully submitted,



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VERIFICATION

STATE OF COLORADO)
COUNTY OF _____) ss:

KELLY McDONALD, being duly sworn, deposes and says: she is a defendant in the within action; that she has read the foregoing Answers to Plaintiffs' First Set of Interrogatories dated December 1, 2021 and knows the contents thereof; that the same is true to her own knowledge and belief, except to those matters therein stated to be alleged upon information and belief, and that as to those matters, she believes it to be true.

KELLY McDONALD

Sworn to before me this
_____ day of January, 2022.

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2022 I emailed a copy of the preceding document to the following:

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**Defense Counsel
via email**



SANDRA LEE WRIGHT